

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JENNIFER R. GARNER,
Plaintiff,

CIVIL ACTION

v.

PHILADELPHIA HOUSING
AUTHORITY, ANTHONY SAMPSON,
FAISAL HASSAN, KELVIN A.
JEREMIAH, JOANNE R. STRAUSS,
ETHAN CHAPMAN, and JOHN AND
JANE DOES,
Defendants.

NO. 15-183

ORDER

AND NOW, this 22nd day of August, 2016, upon consideration of Defendant Philadelphia Housing Authority's ("PHA") Motion for Summary Judgment (ECF No. 59), Defendants Anthony Sampson, Ethan Chapman, Faisal Hassan, Joanne Strauss, and Kelvin Jeremiah's (the "Individual Defendants") Motion for Summary Judgment (ECF No. 60); Plaintiff's Response in Opposition to both motions (ECF No. 72); Defendants' joint Reply in support of both motions (ECF No. 75); and Plaintiff's Sur-Reply in Opposition (ECF No. 78), and for the reasons set forth in the Court's Opinion of August 22, 2016 (ECF No. 79), **IT IS ORDERED** that:

(1) Defendant PHA's motion for summary judgment (ECF No. 59) is **GRANTED in part and DENIED in part** as follows:

- (a) PHA's Motion is **GRANTED** with respect to Count I (disparate impact and retaliation), Count II (sexual harassment), Count III (harassment and discriminatory discharge), Count V (FLSA retaliation), and Count VI (breach of contract) in their entirety;
- (b) PHA's Motion is **GRANTED** with respect to Count IV (FMLA interference and retaliation) to the extent that Count IV arises from Plaintiff's termination from employment;

- (c) **JUDGMENT IS ENTERED IN FAVOR** of Defendant Philadelphia Housing Authority, and **AGAINST** Plaintiff Jennifer Garner on Counts I, II, III, V, and VI in their entirety, and Count IV to the extent that it arises from Plaintiff's termination;
 - (d) PHA's Motion is **DENIED** with respect to Count IV (FMLA interference and retaliation) to the extent that Count IV arises from adverse actions other than Plaintiff's termination.
- (2) The Individual Defendants' Motion for Summary Judgment (ECF Nos. 60) is **GRANTED in part and DENIED in part** as follows:
- (a) The Individual Defendants' Motion is **GRANTED** on all Counts against Defendant Kelvin A. Jeremiah, and **JUDGMENT IS ENTERED IN FAVOR** of Defendant Kelvin A. Jeremiah, and **AGAINST** Plaintiff Jennifer Garner on all Counts;
 - (b) The Individual Defendants' Motion is **GRANTED** with respect to Count I (disparate impact and retaliation), Count II (sexual harassment), Count III (harassment and discriminatory discharge), Count V (FLSA retaliation), and Count VI (breach of contract) in their entirety;
 - (c) The Individual Defendants' Motion is **GRANTED** with respect to Count IV (FMLA interference and retaliation) against Defendants Anthony Sampson, Ethan Chapman, Faisal Hassan, and Joanne Strauss to the extent that Count IV arises from Plaintiff's termination from employment;
 - (d) **JUDGMENT IS ENTERED IN FAVOR** of Defendants Anthony Sampson, Ethan Chapman, Faisal Hassan, and Joanne Strauss, and **AGAINST** Plaintiff Jennifer Garner on Counts I, II, III, V, and VI in their entirety, and Count IV to the extent that it arises from Plaintiff's termination; and
 - (e) The Individual Defendants' Motion is **DENIED** with respect to Count IV (FMLA interference and retaliation) against Defendants Anthony Sampson, Ethan Chapman, Faisal Hassan, and Joanne Strauss to the extent that Count IV arises from adverse actions other than Plaintiff's termination.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

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